

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: May 26, 2004

Re: **CONDITIONAL USE PERMIT (CUP): 2805 Langhorne Road, 2107 Rose Lane**

I. PETITIONER

Bountiful Blessings Church, 2805 Langhorne Road, Lynchburg, VA 24501

Representative: Pastor, I. L. Ward, Sr., Bountiful Blessings Church, 2805 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of approximately 0.64 acres located at 2805 Langhorne Road & 2107 Rose Lane.

Property Owner: Bountiful Blessings Church, 2805 Langhorne Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of the petition is to allow the use of the existing church building as a child care facility for up to forty-five (45) children ranging in age from 2 ½ to 11 years of age and an associated playground facility.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which designates the property for an Institutional use.
- Petition agrees with the Zoning Ordinance in that childcare facilities are a permitted use in an R-3, Two-Family Residential District upon approval of a CUP by the City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* designates the area for an Institutional use. Institutional uses include religious, educational, and other nonprofit entities within the City. There is an existing church on the property. Childcare facilities are common accessory uses to churches.
2. **Zoning.** The subject properties were annexed into the City in 1908. The existing R-3, Two - Family Residential District zoning was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Previous Actions.** The following items in the area have required City Council approval:
 - On February 22, 1979, the City Council approved the CUP petition of the Salvation Army to allow the construction of a new building at 2215 Park Avenue.

- On June 11, 1985, the City Council approved the CUP petition of the Salvation Army to allow the construction of a game room addition at 2215 Park Avenue.
 - On December 8, 1987, the City Council approved the CUP petition of Euclid Church to allow the construction of a building addition, play area and parking lot at 2220 Memorial Avenue.
 - On June 8, 1993, the City Council approved the CUP petition of the Salvation Army to operate an emergency shelter for up to seven women and children at 807 Stuart Street.
 - On January 6, 1996, the City Council approved the CUP petition of Bountiful Blessings Church to allow the construction of a church and parking area.
 - On September 10, 2002, the City Council denied the CUP petition of the Salvation Army to operate a group home at 805 Stuart Street.
5. **Site Description.** The subject properties are bounded to the north by residential and commercial uses, to the south (across Rose Lane) by a commercial use, to the east by residential and commercial uses and to the west by residential uses.
 6. **Proposed Use of Property.** The purpose of the conditional use permits is to allow the use of the existing church structure as a childcare facility for up to forty-five (45) children ranging in age from 2 ½ to 11 years with an associated play area.
 7. **Traffic and Parking.** The City Traffic Engineer had no comments of concern regarding the use of the existing church building for a childcare facility. Section 35.1-54, Care Centers of the Zoning Ordinance requires that two (2) parking spaces be provided for each care center plus two (2) spaces for each thirty (30) persons enrolled. A total of six (6) spaces will be required for the childcare center, which are available in the existing church parking area.
 8. **Stormwater Management.** A stormwater management plan / erosion and sediment control plan will only be required if disturbed areas exceed 1,000 square feet.
 9. **Impact.** Bountiful Blessings Church was constructed in 1997 after the approval of a Conditional Use Permit by the City Council. A childcare facility is a common accessory use to a church. The proposed childcare would be for up to forty-five (45) children ranging in age from 2 ½ to 11 years of age. Section 35.1-54, Care Centers of the Zoning Ordinance requires a lot area of 500 square feet per person for facilities enrolling over twenty (20) children. An area of 22,500 square feet would be required and 28,280 square feet is provided.

The site plan submitted with the petition proposes the construction of a play area on an adjacent parcel owned by the church located at 2107 Rose Lane. For children under eighteen years of age the Zoning Ordinance requires an enclosed recreation area of seventy-five (75) square feet per person using the area at one time. A recreation area of 3,375 square feet would be required and a recreation area of 4,150 square feet is being provided. The submitted site plan indicates that only fifteen (15) children will be using the recreation facility at one time.

The usual area of concern related to childcare facilities is noise and the safety of the children. The fencing and buffering of the recreation area should mitigate these concerns. At the time this report was written the Planning Division had not received any negative comments from adjoining property owners.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 4, 2004. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose conditions deemed necessary or appropriate in approving a CUP.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Bountiful Blessings Church for a Conditional Use Permit at 2805 Langhorne Road and 2107 Rose Lane to operate a childcare facility for up to forty-five (45) children ranging in age from 2 ½ to 11 years subject to the following conditions:

1. The property will be used in substantial compliance with the submitted site plan received April 19, 2004.
2. Any exterior lighting will be glare-shielded and nondirectional to prevent direct illumination across the property line.
3. The childcare facility shall comply with all aspects of the building code as determined by the Building Official.
4. The entire recreation area shall be fenced.
5. The recreation area shall be screened with an evergreen material minimum of six (6) feet in height at planting as approved by the City's Urban Forester.
6. In all instances where the recreation area is adjacent to parking areas, concrete bollards will be placed six (6) feet on center.
7. Childcare shall only occur in the existing church building.
8. All state regulations for care centers shall be met.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. I. L. Ward, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)